

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

ROGER STARNER JONES, JR., MD

PLAINTIFF

V.

NO. 1:21-CV-136-DMB-DAS

PHYCON, INC., et al.

DEFENDANTS

ORDER

In its September 23, 2022, Opinion and Order, this Court (1) granted in part the defendants’ motion to dismiss all of Roger Starner Jones’ claims against them; (2) allowed Jones fourteen days “to seek leave to amend his second amended complaint;” and (3) cautioned Jones that if he “fail[ed] to seek leave to amend or if it [was] ultimately determined amendment would be futile, the claims w[ould] be dismissed with prejudice.” Doc. #83 at 21 & n.14. Because Jones failed to seek leave to amend his complaint within the allowed time period and has requested no extension of time to do so, consistent with the Court’s September 23 ruling, Jones’ claims against the defendants for defamation, breach of fiduciary duty, breach of contract, and invasion of privacy based on false light and intrusion upon seclusion are **DISMISSED with prejudice**.¹

SO ORDERED, this 12th day of October, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ This Court’s authority to dismiss these claims with prejudice is subject to Jones ultimately demonstrating this Court’s subject matter jurisdiction. *See* Doc. #84.